

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CRYSTAL SEAMAN, )

Plaintiff, )

Vs )

FOOD GIANT SUPERMARKETS, )

INC., )

Defendant. )

**COPY**

CASE NO.:

2:05-CV-00414-T

The deposition of CRYSTAL SEAMAN taken pursuant to the Alabama Rules of Civil Procedure before Anna S. Padgett, Court Reporter and Notary Public, State at Large, at the Law Office of Charles W. Blakeney, 201 North Commerce Street, Geneva, Alabama on the 19th day of July, 2005, commencing at approximately 12:00 a.m.

1 A Oh, no.

2 Q And this accident happened in 2003 --  
3 April?

4 A It was April 25th. I remember that.

5 Q Okay. I guess, just in your own words  
6 tell me what happened.

7 A I had went into the grocery store to  
8 buy a few things. I was coming back out. I  
9 had maybe three of the little plastic bags in  
10 my buggy. They weren't full, full, you know.

11 And I came back out and I had the buggy  
12 and I was looking out at the truck. And when  
13 I came down the ramp, where the ramp connects  
14 with the pavement of the parking lot, the  
15 buggy came up on end and jammed my arm. And  
16 when it did it came up like this and I ran  
17 into it. And before it could completely hit  
18 the ground I stepped back and lowered it down  
19 and I backed up to see what happened. And  
20 that was when I saw the hole and I went  
21 around and went to the truck and put my stuff  
22 in the truck. My husband asked me what was  
23 wrong and then I told him and we went home.

24 Q Was your wrist -- was it hurting you  
25 after the accident?

1 A Oh, yes, sir. It was hurting me right  
2 then. It started hurting right then.

3 Q Okay. And as you were going down the  
4 ramp, what part of the buggy got in the hole?

5 A Like the front -- the wheels I  
6 believe -- I want to say it was the  
7 right-hand wheel that went into the hole and  
8 the buggy kind of came up like this.

9 Q The right front wheel?

0 A Right.

1 Q Okay. And you say the buggy popped up?

2 A Yes.

3 Q And your body ran into it?

4 A Right.

5 Q And I guess you were holding it on the  
6 handle bars?

7 A Right. Because I took another step.  
8 You know, when the buggy stopped, I  
9 automatically had taken another step and kind  
0 of bumped into it. But when I stepped back,  
1 you know, I lowered it back down.

2 Q Okay. Did your body hit your elbow and  
3 then you ran into it? I'm trying to see how  
4 your body would have hit it?

5 A When I say my body hit it, I mean when



1 the buggy up-ended, being that I'm so big,  
2 you know, part of the buggy came up and  
3 touched me. I mean, it didn't hurt, you  
4 know, here, but, I mean, my wrist was hurting  
5 automatically. You know what I'm saying, I  
6 wasn't bruised from the buggy hitting me.

7 Q What motion did your wrist go in once  
8 you --

9 A I'm not -- it happened so quick. But I  
10 know my hands were on the buggy and when the  
11 buggy went up in the hole I was holding on to  
12 the plastic handle and it kind of jammed both  
13 of my wrists up and over like this. And the  
14 buggy just stopped.

15 Q Okay. Did you at any point let go of  
16 the buggy?

17 A No. I just automatically stepped back.  
18 I mean, when I stepped back I let go and it  
19 kind of bounced, you know, but --

20 Q Did the rear wheels leave the ground?

21 A Yes. The ones closest to me, yes.

22 Q All right. And what about your left  
23 wrist, did it go up as well?

24 A No. It didn't hurt my left wrist, I  
25 guess -- I don't know if it was because I was

1 moving to the left and seeing the hole.

2 Q And, again, you're sure it didn't get  
3 stuck on this top part of the ramp?

4 A Yes, sir, I am.

5 Q Okay. And did you look at hole after  
6 the accident?

7 A After I hit it, yes, sir.

8 Q How big was it? Can you describe that?

9 A It was probably five inches around,  
10 maybe four. I would say it was at least a  
11 couple inches deep.

12 Q Was it kind of like an indentation in  
13 the ramp?

14 A No. It was like the asphalt, where  
15 they joined, it had busted out.

16 Q Okay.

17 A I mean, you know how the asphalt on the  
18 road will do from trucks, it just busted out  
19 or that's what it looked like.

20 Q So it actually wasn't the ramp, it was  
21 after you got off the ramp -- it was a hole  
22 in the parking lot?

23 A Part of the hole was on the ramp.

24 Q Okay. Was it at the meeting point of  
25 the ramp and the parking lot?

1 A You're asking me which had more of the  
2 hole?

3 Q But there was hole -- I mean, I'm  
4 asking you was the hole on the ramp and in  
5 the parking lot?

6 A I believe. And that's been covered.  
7 That wasn't like that.

8 Q What wasn't like that?

9 A There was a hole there.

10 Q Oh, okay. On the bottom right. Okay.  
11 How often do you shop at this grocery store?

12 A At the time I was probably there at  
13 least once a week, I guess.

14 Q Once a week. Was there a certain day  
15 you would normally go?

16 A No. It wasn't my regular grocery  
17 store. I mean, I just popped in and out. It  
18 was convenient.

19 Q Where is your regular grocery store?

20 A At the time it was IGA in Opp.  
21 Actually, it still is.

22 Q Why would you pop into this grocery  
23 store?

24 A Convenience. It was just convenient.  
25 I lived in Hacoda at the time. It was a few



1 interrogatories you mentioned a mat or a  
2 carpeted mat that was -- I think you said it  
3 was actually on the ramp?

4 A Yes, sir.

5 Q And had you seen that there on prior  
6 occasions?

7 A The mat?

8 Q Yes.

9 A Yes, sir. I want to say it was red. I  
10 think it was a red carpet.

11 Q Would it cover the entire ramp?

12 A Yes, sir. It -- I'm not specifically  
13 sure of the length, but it went from probably  
14 parked way up on the sidewalk down to the  
15 bottom of the ramp or a little farther.

16 Q Okay. Was it as wide as the ramp or  
17 was it just down the middle?

18 A No. I believe it was pretty much as  
19 wide as the ramp, if I recall. It's been a  
20 while though. It was a pretty good-size rug.

21 Q And you're aware of no other accidents  
22 on that ramp?

23 A Right.

24 Q Or anywhere at the store?

25 A Right.

1 Q It's your position that someone at the  
2 store knew about the hole prior to your  
3 accident?

4 A I can't prove that, but someone should  
5 have known. There was only one door. There  
6 is one door in and one door out.

7 Q Okay. Would you agree that if no other  
8 accidents had ever occurred there there might  
9 not be a reason for someone to realize there  
10 was a problem?

11 A No, sir, I wouldn't agree with that.

12 Q Okay. Why should they have realized  
13 there was a problem?

14 A Because someone swept that sidewalk  
15 every day. I mean, those rugs were picked up  
16 and shook off. They brought buggies in and  
17 out of that door every day. Someone should  
18 have known.

19 Q But you went there once a week and you  
20 had never seen the hole before; is that  
21 correct?

22 A No, sir.

23 Q Did you know Dr. Beranek before this  
24 accident?

25 A I had done surgery with Dr. Beranek



1 you from seeing it on your way out?

2 A The buggy was in front of me.

3 Q But you couldn't see through the buggy  
4 -- the holes in the buggy?

5 A No, sir because the bags were -- and I  
6 wasn't looking down. I mean, I was looking  
7 out at the parking lot to see if anybody was  
8 coming.

9 Q If you had of been looking down, do you  
10 think you could have seen it on your way out?

11 A Probably.

12 Q Do you know why you didn't see it on  
13 the way in?

14 A No, sir. I have no -- probably because  
15 I wasn't looking down.

16 Q But if you would have been looking down  
17 on the way in you could have seen it?

18 A I don't know.

19 Q Did you see a carpeted mat on the day  
20 of the accident?

21 A Yes, sir.

22 Q And where was it?

23 A Rolled up to the side of the soda  
24 machine off to my left.

25 Q Okay. Do you know how it got there?